=-Judge-Barrow 600K Bohanon Cook

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

Cono. W/72-C-110 12-C-299 72-C-376 72-C-439

D. C. Form No. 106A Rev.

TITLE OF O	CASE					ATTOR	NEYS		
JOHN E. NEWKIRK and ETHEL MAE NEWKIRK, Plaintiffs,	i e			F	plaintiff: Tredérick Do 790 Fourth Pulsa, Oklah	Nati	ona l	: Éthe <del>- Bank</del> <del>19</del> /	o: John E. 1 M. Newkin Bldg. 10 & 3 rd de
VS.							¢ .		
David W. Jackson, & 6 Rhodes, Hieronymus, Paul et al P. 0	ERD HOWELL; V. HUNTER; J WALKER; JIM RKIN BAILEY; VESTMENT CORP IE; RICHARD ATION; Y COR he correct na fendants are htiff and wil other contro ht Corp. and pated with or amed defendant complained of  awley C. Kerr & Hartman	RICHAERALI HEII HEII I; F ROE a P.; a mes o prese lling other aide ts ir here (Ba:	ARD D.M. DLER DLER BERN and and of the entire supplied ithe iley ldg.	ARD  ne For  y  plied  nd  mayo  Tuls  J. J  NBT  Robt	G.Michael 1200 Atlas Bldg., Tu  James C. I 411 Thurst Tulsa, Okl C. Baker (F Bldg. a, Okla. 74 erry Dickma Bldg., Tuls . S. Rizley	Ichael Lewis (Hudson, Green, Howel Atlas Life and Hunter) 3., Tulsa 74103 s C. Lang (Caldwell) Thurston Natl. Building a, Okla. 74103 ker (Bailey)			
582-1179 stical record	COSTS			DATE	NAME OR RECEIPT NO.	RE	c.	DIS	SB.
J.S. 5 mailed /-/-7.3	Clerk		1		Holliman. C.D.No.25		.00	15	00
J.S. 6 mailed 9 /- 75	Marshal								
Basis of Action: Securities Exchange Act.	Docket fee								
Action arose at:	Witness fees Depositions								
	Depositions								

	FP! MI──1	3-72-100M-7199
DATE	PROCEEDINGS	Date Order or Judgment Noted
12-1-72	Complaint filed and Summons issued. v	
12-8-72	Summons, ret. & filed: served Larkin Bailey and Joseph C. Caldwell, 12-4-72; served Richard F. Hudson, Harry Green, Paul V. Hartman, Ferd Howell, Taylor V. Hunter, J. Donald Walker, 12-5-72; served Heidler Corporation, Jim Heidler, Jacque Boggess and Carousel Investment Corp., 12-7-72, all at Tulsa, Ok. (USM \$48.48)	
12-15-72	Appl. of defs., Hudson, Green, Howell and Hunter, for enlargement o time to answer, filed. rm -	
12-10-72	Order granting defts. Hudson, Green, Howell and Hunter until $12-30-6$ to file answer. (AEB-J)g cpies mailed.	72
12-20-72	Answer of the Deft., Jerald M. Schuman, filed. v	
12-20-72	Appl. of Deft.s, Jacque Boggess and James W. Heidler, for enlargementime to answer, filed. byv -order to Judge.	t of
12-21-72	Answer of the Deft.s Larkin Bailey and Paul V. Hartman, filed. v	
12-26-72	Appl. of def. Bailey for ext. of time to ans., filed. rm	
12-26-72	Answer of def. Caldwell, filed. rm	
12-26-72	Application of J. Donald Walker for extension of time, and order allowing J. Donald Walker extension of time to answer to Jan. 10, 19 filed. (Granted by Clerk) ds	₹3,
1-2-73	Separate answer of defs. Howell, Hudson and Hunter, filed. rm	
1-3-78	Order filed that defs Boggess and Heidler granted until Jan. 4,1973 answer complaint. (AEB-J)h	
1-3-73	Order filed that def. Larkin Bailey granted until Jan. 5, 1973 to a	swer. (AEB-3
_	Answer of def., Jim Heidler, filed. rm	norte p
1-4-73	Answer of def. Jacque Boggess, filed. rm	
1-4-73	Motion of Harry Green, deft. for S/J, w/attached Brief in support, a Affid. of Green in support of Mot., filed. r	and <b>(</b>
1-4-73	Ordered by the Court that Pltf is granted 10 days from this date in which to respond to deft Green's Motion for $S/J$ . (AEB-J)r	
1-9-73 1-24-73	Answer of Deft J.Donald Walerk, filed. js Notice of taking deposition of Jim Heidler by def. Schuman on 1/29/	73,filed.rm
2-15-73	Brief and Verified Statement of Facts in Response to the Mtn. for S/Jmt. filed by the Dft. Harry J. Green, filed. jj	
2-26-73 4-5-7 <b>3</b>	Request for Production of Documents under Rule 34, filed. jj Notice by pltf. of taking depositions of J.Edd New in Ok.City on 4/12/73, filed. rm Subpoena issued.	
5-22-73 5-22-73 6-15-73	Notice by plf. of taking dep. of Jacque Boggesson 6/5/73, filed. jj Notice by pltf. of taking dep. of Jerald M. Schuman 6/1/73, filed. Deft. Schuman's Notice of Taking Deposition, filed. jj	jj
O 10-10	bett. benuman a notice of taking beposition, filted. II	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-25-73	App. for Continuance of the Taking of the Depositions of Doris Somer Leslie W. McCown, John E. Newkirk and Ethel Mae Newkirk, filed. jj	s,
6-26-73	Order, filed, continuing the taking of the depositions of Doris Som Leslie W. McCown, John E. Newkirk and Ethel Mae Newkirk. v	ers,
7-16-73	Appearance of David W. Jackson and Rhodes, Hieronymus, Holloway and Wilson for Jerald M. SCHUMAN, filed. v	
10-17-73	Order overruling motion of deft. Harry Green for summary judgment, filed. (AEB-J)g	
11-16-73	Deposition of J. Donald Walker on behalf of pltfs., filed. (\$162.00)	
11-16-73	Deposition of Richard F. Hudson on behalf of pltfs., filed. (\$130.50) (see file of 72-C-110)g	g
11-27-73	Notice of taking deposition of Joseph C. Caldwell, Jr. filed by Pltf	. h
1-4-74 1-29-74 3-1-74	Notice of taking deposition of Larkin Bailey & Rbt. Caraway, filed. Deposition of Jacque Boggess taken by Jimmie J. Reed, CSR, filed. v Deposition of Larkin Bailey taken by Jimmie J. Reed, CSR, filed. v MO: Parties are directed to hold PT conference prior to April 5, 19 and file PT order not later than April 12, 1974. (AEB-J)v	v 74,
4-5-74	Deft's Motion for Extension of Time Within Which To Prepare Pre- Trial Order, filed. e (o to j)	
4-10-74	ORDER, filed, granting Defts. 60 days to complete discovery & preparation pretrial order. Time to run through 6-5-74. To be no further extensions. (AEB-J)v	re
4-29-74	Pltf's First Request for Admissions, filed. e	
4-29-74	Response of Heidler Corp. to Pltf's First Request for Admissions, fi	led. e
5-29-74	Response of Joseph C. Caldwell, Jr. to First Request for Admissions, filed. e	
5-29-74	Application of defendants Heidler and Boggess for an extension of time in which to respond to plaintiff's request for admissions, file (O to 1J)	d. ds
5-30-74	Order, filed, granting defs. Jim Heidler & Boggess to 6/28/74 to respond to pltf. req. for admissions. (AEB-J)rm - copies md.	
	Appl. of defs. Green, Howell, Hudson & Hunter for ext of time to ans first req. for admissions, filed. rm 0 to J	•
6-3-74	Order, filed, granting defts. Green, Howell, Hudson & Hunter 30 days from 5-30-74, to respond to First Request for Admissions. (AEB-J)g	madel
6-3-74	MO: It is ordered that defts. Green, Howell, Hudson and Taylor V. Hunter be granted no more extensions after the one filed this date to respond to First Request for Admissions. (AEB-J)g	
6-4-74	Plaintiff's notice of taking deposition, filed. ds	
6-6-74	Answers of Deft's Hartman and Bailey to Pltf's 1st Request for Admissions, filed.jj	

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-13-74	Ordered by the Court that instant litigation is stayed pending decision of the Hon. Lutner Bohanon on a Mot. for S/Judg. now under advisement in McCown v Caldwell, 72-C-376. (AEB-J)g	
7-9-74	Motion for Summary Judgment, filed by def.k	
7-9-74	Brief in Support of Defs' Motion for Summary Judgment, filed.k	
7-9-74	MO: Plaintiff is granted ten (10) days from this date to respond to Defs' Motion for SUMMARY JUDGMENT. (AEB-J)k copies mld, k	
7-17-74	Order, filed, vacating order of 6-13-74 staying proceedings, effect-ive 7-5-74. (AEB-J)g cpies mailed.	
7-18-74	Mot. of pltfs. for ext. of time to respond to mot. for $\mathrm{S}/\mathrm{J}$ , filed.g	Oty-
7-23-74	Order, filed, Extending Time in Which to Respond to Defts' Mtn. for S/J until 8-2-74. (AEB-J)jj	
8-1-74	Response of Harry Green, Ferd Howell, Richard F. Hudson & Taylor V. Hunter to first request for admissions propounded by Pltf., filed.k (original in 72-C-376)	
	Pltfs'. Statement of Facts and Memorandum of Law in Opposition to Defts' Mtn. for S/J, filed.jj	
8-13-74	Reply of Defts. to Statement of Facts & Memorandum of Law in Opposit to Motion for Summary Judgment, filed. v	ion
9-9-74	Notice of deposition continuation, filed by pltfs. k	
9-26-74	Response of James Heidler to First Request for Admissions, filed. lm (orig. in 376)	
9-26-74	Response of Jacques Boggess to First Request for Admissions, filed.la (orig. in 376)	n
	Pltfs' mot. for S/J against deft. Jerald M. Schuman, filed.k Pltfs' brief in support of mot. for S/J against deft. Schuman, filed w/ exhibits.	. k
10-8-74	MO: It is ordered by the Court that deft. Jerald M. Schuman is grant 10 days to respond to Pltfs' mot. for S/J. (AEB-J)k cps mld	ed
10-11-74	Answers of deft. Schuman to pltfs' first request for admissions, fil	ed.k
10-15-74	Motion for Summary Judgment against Deft. James W. Heidler, filed. 1	m
	Pltf's Brief in support of Motion for S/J against Deft. James W. Heidler, filed. lm	
10-16-74	MO: Deft. given 10 days from this date to respond to pltf's Motion for Summary Judgment. (AEB-J)lm cps mld.	

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D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-16-74	Motion for Summary Judgment Against Deft. Jacque Boggess, filed. b	
10-16-74	Brief in Support of Motion for Summary judgment against Deft. Jacque Boggess, filed. b	
10-16-74	MO: Deft. given 10 days from this date to respond to pltf's motion for summary judgment. (AEB-J)b cps mld.	
10-18-74	Appli. of deft Jerald M. Schuman for ext. of time to 10-28-74, to respond to pltf's Motion for Summary Judgment, filed. lm object, and ORDER that deft. given 10 days to 10-28-74 to respond to pltf's motifor extension of time (JCS-Clk) lm. cps mld by counsel for deft.	
10-22-7	Continuation of deposition of Jacque Bogges, on behalf of pltfs., taken on 6/5/74. (Frank L. Peterson-CSR) rm	
10-22-74	Depositions of Jacque Boggess, taken on behalf of pltf., on $6/5/73$ and $6/6/73$ . (Jimmie J. Reed-CSR)rm	
10-22-74	Deposition of Richard F. Hudson, on behalf of pltf., taken on 7/27/73. (F. L. Peterson-CSR) rm	
10-22-74	Deposition of Larkin Bailey, on behalf of pltf., taken on $1/10/74$ , in Tulsa. (Jimmie J. Reed-CSR) rm	
10-22-74	Deposition of J. Donald Walker, on behalf of pltf., taken on 7/24/7 before Frank L. Peterson-CSR. rm	β,
10-23-74	Pltfs' suppl. memorandum of law in opposition to defts' mot. for S/Judg. & in support of pltfs' mots. for S/J against Schuman, Heidler, Boggess and Bailey), filed. g	
10-23-74	Pltfs' mot. for S/Judg. against Larkin Bailey, filed. g	
10-23-74	Pltfs' brief in support of mot. for S/Judg. against L. Bailey, filed	d.g
10-23-74	MOP Defts granted 10 days from this date to respond to pltf's mot. for S.Judg. against Larkin Bailey. (AEB-J)g	•
10-25-7	Appl. of defs. Boggess & Heidler for ext. of time to respond to mo/SJ filed against them, filed. rm	
10-25-74	Order, filed, granting defs. addl. 10 days from this date to respond to pltf. mo/sj against defs. Boggess & Heidler.(JCS-Clk) rm	d
10-31-74	Appli. of deft. Larkin Bailey for extension of time to respond to pltfs' motion for S/J against him, filed. lm oto pts - CLK	
11-4-74	APPLICATION of Defts. Boggess and Heidler for ext. of time to respond to Mtn. for S/J until 11-20-74, filed.	
11-4-74	ORDER, filed, granting Boggess and Heidler ext. of time to respond to Mtn. for S/J until 11-20-74 (JCS-Clk)jj (Ma) // Alleggestations	
11-5-74		
11-12-74	Deposition of Ferd Howell taken on behalf of pltfs. before Frank L. Peterson, CSR, on 7-2-73, filed.k	

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DATE	PROCEEDINGS	Date Order or Judgment Note
11-12-74	Deposition of Taylor V. Hunter for pltfs. before F. Peterson, CSR, on 7-3-73. filed.k	
11-12-74	Deposition of Harry J. Green for pltfs. before F. Peterson, CSR on 7-2-73, filed.k	
11-12-74	Depo. of Jerald Mandel Schuman for pltfs. before F. Peterson, CSR, on 6-8-73 at Tulsa, OK, filed. k	
11-12-74	Depo. of Jerald Mandel Schuman, Continuation, for pltfs. before F. Peterson, CSR, on 9-20-73 at Tulsa, OK, filed.k	
11-12-74	Depo. of Paul V. Hartman for pltfs. before F. Peterson, CSR, on 6-29 73 at Tulsa, OK, filed.k	agente
11-12-74	Depo. of Larkin Bailey for pltfs. before Frank L. Peterson, CSR, on 6-28-73 at Tulsa, OK, filed.k	
11-12-74	Continuation of depo. of Jacques Boggess for pltfs. before Harvey W. Stephens, CSR on 9-11-74 at Tulsa, OK, filed.k	
11-12-74	Continuation of depo. of J. Donald Walker taken before Harvey W. Stephens, CSR, on 8-8-74 at Tulsa, OK, filed.k	
11-12-74	Depo. of Artie F. Palk for pltf. before F. Peterson, CSR, on 2-22-74 at Tulsa, OK, filed.k Depo. of J. Edd New for pltf. before Marie Jones, Notary Public, on	
11-12-74	4-12-73 at Okla. City, OK, filed.k	
11-19-74	Depo. of Jms. Wesley Heidler, on behalf of Pltf., taken on 1-23 and	
	29, 1973, and continuation of depo. on behalf of Deft. Jerald M. Schuman, taken on 1-29-73 and 2-19-73, before Frank L. Peterson, CSR, filed. v	
11-20-71	Response of deft, Larkin Bailey, in opposition to pltf's motion fo S/J against him w/affidavit of deft, Larkin Bailey, in opposition to motion for S/J against him, filed. lm	
11-20-71	Brief of deft, Larkin Bailey, in opposition to pltf's motion for S/J against him, filed. lm	
11-21-74	Deposition of Joseph C. Caldwell, Jr., on behalf of pltf., taken 12/14/73 in Tulsa, filed. (F. L. Peterson-SCR)(\$321 pd by pltf.)rm	
	Reply of pltf. to response of def. Bailey in oppos. to pltf. mo/SJ,fAppl. of defs., Heidler & Boggess, for ext. of time to file reply brief to pltf. mo/SJ, filed. rm	iled.rm
12-5-74	Order, filed, granting defts. Heidler and Boggess until 1-3-75 to respond to pltfs' mot. for S/Judgment. (AEB-J)g	
1-3-75	Appl. of defts. Heidler and Boggess for ext. of time to respond to mot. for S/J, filed. g	
1-6-75	Order, filed, granting Heidler and Boggess until 2-3-75 to respond to pltfs' mot. for S/Judgment. (AEB-J)g	
1-7-75	Pltfs' obj. to appl. for ext. of time filed by Jim Heidler & Jacque Boggess, filed.k	
1-30-75	Appl. of defs. Heidler & Bogges for ext. of time to respond to mo/SJ of pltf., filed. rm	
2-3-75	Plaintiffs' objection to appl. of Heidler & Boggess for ext. of time, filed. g	

CONTINUED

Sheet 4 Page 7

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-10-75	Deft. Caldwell's mot. for S/J, filed.k	
2-10-75	Brief in support of Deft. Caldwell's mot. for S/J, filed.k	-
	MO: It is ordered by the Court that pltfs are granted 10 days to respond to deft. Caldwell's mot. for S/J. (AEB-J)k cps mld	and the state of t
2-13-75	MO: Ordered by the Court that Pltfs' objection to applic. for extension of time filed by J. Heidler & Jacque Boggess is denied. (AEB-J)b	
2-13-75	Response of Defts' J. W. Heidler & J. Boggess to Pltfs' Motion for Summary Judgment, filed. b	
2-14-7 2-14-75	5 Motion of pltf. to strike filing of def. Caldwell's mo/SJ, filed. n Brief of pltf. in support of mo/strike, filed. rm	m
2-18-75	MO: It is ordered by the Court that Plaintiff's Motion to strike filing of deft. Caldwell's mot for S/J is hereby sustained, and Deft. Caldwell's mot. for S/J is hereby stricken. (AEB-J)k cps	mld
2-20-75	Pltfs' reply to response of defts. James W. Heidler & Jacque Boggess to pltfs' mot. for S/J, filed.k	\$
5-1-75	Notice of taking deposition of James W. Heidler on 5-5-75 in Tulsa, OK, filed. v	
5-1-75	Notice of taking deposition of Evelyn L. Heidler on 5-5-75 in Tulsa, OK, filed.	¥
5-5-75 5-5-75 5-6-75	Motion of Deft. James Heidler for Protective Order, filed. v Brief in support, filed. v Ordered by the Court that Plaintiffs are granted 10 days from this date to respon to the Motion for Protective Order filed by Deft. James W. Heidler. (AEB-J)v	d
5-5-75 5-5-75 5-6-75	Objections of Evelyn Heidler to Inspection or Copying of all the Materials requested in deposition subpoena, filed. v Brief in support, filed. v Ordered by the Court that Plaintiffs are granted 10 days from this date to respon	đ
	to the Objections of Evelyn Heidler to inspection or copying of all the materials requested in deposition subpoena. (AEB-J)v	
5-14-75 5-15-75		fld. b nd
5-15-75	Pltfs.' brief in opposition to Jms. W. Heidler mot. for protective order, filed.	V
5-19-75	MO: It is ordered by the Court that pltfs' appl. for Order compellir prod. of doc. is referred to Mag. Bradford for hearing & rec. (AEB-J)k	ng
5-22-75	Response of def., Evelyn L. Heidler, to appl. of pltf. for order compelling production of documents, filed. rm	m-
5 <b>-</b> 22 <b>-</b> 75	Suppl. brief of def., James Heidler, in support of mo/protective order, filed. rm	
6-2-75	MO: Upon disqualification of Ch. Judge Allen E. Barrow, this case is hereby transferred to Hon. H. Dale Cook. (AEB-J)g	
6-11-75	MO: Case called for hearing on pltf's mo/order compelling production	n

	SHEET NO. 4. PAGE NO. 8	
DATE	PROCEEDINGS	Date Order or Judgment Note
	of documents before Magistrate. Case stricken, since parties have agreed to the production of requested documents. Motion moot. (MLB-Mag)hm	
6-19-75	Order on pltfs' application for order compelling production of documents and on Motion for Protective Order of deft. James W. Heidler, filed. (HDC_J)g	
7-28-75	Depositions of James Wesley Heidler and Evelyn L. Heidler on behalf of the plaintiffs, taken before Donald R. Lindquist (CSR) on 7-18-75 (\$20.25), filed. lm	2
7-30-75	Motion to Compel Disc. and Memo Brief in Support thereof as to Evelyn L. Heidler, filed.jj	
7-30-75	Motion to Compel Disc. and Memo Brief in Support thereof as to James W. Heidler, filed.jj	
8-1-75	Mo: It is ordered by the Court that the defendant file a responsive brief by 8-5-75 to the Motion to Compel Discovery of Evelyn L. Heidler. (HDC-J) mm	
8-1 <b>-</b> 75	Mo: It is ordered by the Court that the defendant file a responsive brief by 8-5-75 to the Motion to Compel Discovery of James W. Heidler. (HDC-J) mm	
8-5-75	Letter (Response) dated 8-5-75 from Bob Rizley to Judge Cook, filed, in response to motion to compel discussion.mm	of a common decided and the common decided an
8-7-75	Letter dated 8-6-75 from Frederic Dorwart to Judge Cook, filed, in response to plfts motion to compel discovery.mm	
8-6-75 8-6-75	Motion of Defts. J. Caldwell, Jr., et al., for Dismissal of action, filed. v Order, filed and entered, that this action is dismissed w/prejudice as to Defts. Joseph C. Caldwell, Jr., Harry Green, Paul V. Hartman, Ferd Howell, Richard F. Huc Taylor V. Hunter, Jerald M. Schuman, J. Donald Walker and Larkin Bailey. (HDC_J)	
8-8-75	Order Overruling Plaintiff's Motion to Compel Discovery, filed. (HDC-mm cps mld	J)
8-12-75	Order, filed, overruling pltfs. mo/SJ against defs. Heidler & Bogges and consolidating this case with 72-C-299, 72-C-110 and 72-C-376	
8-18-75 8-18-75	for trial before Judge Bohanon on 8/18/75 at 10 a.m.(HDC-J)rm-copies MO: Case transferred to Judge Bohanon. (HDC-J)g Case called for Jury Trial. Parties present and rep. Parties agree that the Some pretrial order will serve all four cases including the facts of all four cases. Parties announce settlement. Pltf. to prepare necessary orders. Pltf. requests permission to w/draw their exhibits 1 thru 111 and Court so grants. Clerk to prepare receipt and have Pltf. sign it. (LB-J)v	md.
8-18-75	Receipt for exhibits signed by Pltf., filed. v	
8-21-75	Judgment, filed & entered: pltfs. John E. Newkirk and Ethel Mae Newkirk to recover from defts. Heidler Corporation and Carousel Investment Corporation, James W. Heidler and Jacque Boggess, jointly and severally, the sum of \$16,487.94 at 10% int. from date and costs. Judgment not to be assemted by anyone othern than pltfs. by way of collateral estoppel. (LB-J)g	

for Bohanon

Judge Cook Sheet No. 5 Page No. 9

CIVIL DOCKET CONTIN		
PLAINTIFF	DEFENDANT.	DOCKET NO. 72-C-439
Newkirk	Caldwell	PAGE OF PAGES
DATE NR.	PROCEEDINGS	
3-29 3-30 MO	Appl. for Tempo. & Permanent Ord in Aid of Execution support thereof, filed.t  It is ordered. by the Ct. that Defts' are granted.	d 10 d <b>a</b> ys from
3-31	this date to respond to Pltf's Appl. for Tempo and aid of execution & memo brf.(HDC-J)t cps. mld.  Temporary Restraining Order, filed, that Evelyn L. from repudiating her agreement; that pltf. mo/order execution is set for hrg. at 10 a.m. on 4/9/76 before.	Heidler is enjoir r in aid of
4-6	Cook.(HDC-J)rm - 2 certified copies served on Heid Fred Dorwart Certificate of service, filed. w/ cpy of Temporary signed by H. Dale Cook.Judge.t	ler's atty. by
1981	au further entres on TR.C-110	
1-15	RELEASE of judgment filed 8-21-75. pt	

DC-111A (Rev. 1/75)

## CIVIL DOCKET CONTINUATION SHEET DEFENDANT PLAINTIFF DOCKET NO. PAGE \_\_\_\_ OF \_\_\_\_ PAGES DATE NR. PROCEEDINGS